

## 2018 Current Fiscal Year Report: Judicial Proceedings Since Fiscal Year 2012 Amendments Panel

Report Run Date: 06/18/2019 01:09:19 AM

### 1. Department or Agency

Department of Defense

### 2. Fiscal Year

2018

### 3. Committee or Subcommittee

Judicial Proceedings Since Fiscal Year 2012 Amendments Panel

### 3b. GSA Committee No.

2497

### 4. Is this New During Fiscal Year?

No

### 5. Current Charter

06/24/2016

### 6. Expected Renewal Date

06/24/2018

### 7. Expected Term Date

### 8a. Was Terminated During Fiscal Year?

Yes

### 8b. Specific Termination Authority

### 8c. Actual Term Date

01/26/2018

### 9. Agency Recommendation for Next Fiscal Year

Continue

### 10a. Legislation Req to Terminate?

Yes

### 10b. Legislation Pending?

Not Applicable

### 11. Establishment Authority

Statutory (Congress Created)

### 12. Specific Establishment Authority

Section 576(a)(2) of the NDAA for FY 2013, as modified by section 1731(b) of the FY14 NDAA

### 13. Effective Date

01/22/2013

### 14. Committee Type

Continuing

### 14c. Presidential?

No

### 15. Description of Committee

National Policy Issue Advisory Board

### 16a. Total Number of Reports

1

### 16b. Report Date

10/16/2017

### Report Title

Final Report of the Judicial Proceedings Since Fiscal Year 2012 Amendments Panel

### Number of Committee Reports Listed: 1

### 17a. Open Meetings and Dates 0 17b. Closed Meetings and Dates 0 17c. Partially Closed Meetings and Dates 0 Other Activities 0 17d. Total Meetings and Dates 0

No Meetings

### Current FY Next FY

### 18a(1). Personnel Pmts to Non-Federal Members

\$0.00 \$0.00

### 18a(2). Personnel Pmts to Federal Members

\$0.00 \$0.00

<b>18a(3). Personnel Pmts to Federal Staff</b>	\$0.00	\$0.00
<b>18a(4). Personnel Pmts to Non-Member Consultants</b>	\$0.00	\$0.00
<b>18b(1). Travel and Per Diem to Non-Federal Members</b>	\$0.00	\$0.00
<b>18b(2). Travel and Per Diem to Federal Members</b>	\$0.00	\$0.00
<b>18b(3). Travel and Per Diem to Federal Staff</b>	\$0.00	\$0.00
<b>18b(4). Travel and Per Diem to Non-member Consultants</b>	\$0.00	\$0.00
<b>18c. Other(rents,user charges, graphics, printing, mail, etc.)</b>	\$0.00	\$0.00
<b>18d. Total</b>	\$0.00	\$0.00
<b>19. Federal Staff Support Years (FTE)</b>	0.00	0.00

**20a. How does the Committee accomplish its purpose?**

The Judicial Proceedings Panel will conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice (UCMJ) involving adult sexual assault and related offenses since the amendments made to the UCMJ by for the purpose of developing recommendations for improvements to such proceedings.

**20b. How does the Committee balance its membership?**

Members of the Judicial Proceedings Panel shall be selected from among private United States citizens who collectively possess expertise in military law, civilian law, the investigation, prosecution, and adjudication of sexual assaults in State and Federal criminal courts, victim advocacy, treatment for victims, military justice, the organization and missions of the Armed Forces, and offenses relating to rape, sexual assault, and other adult sexual assault crimes. The Department of Defense (DoD), in selecting its potential candidates for the Judicial Proceedings Panel, reviews the educational, experiential, and professional credentials of individuals and bases its selection on this review and the subject matters to be handled by the Judicial Proceedings Panel. The DoD has found that viewing the complex issues facing the Judicial Proceedings Panel through an interdisciplinary advisory committee provides the DoD and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions. Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Judicial Proceedings Panel, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest. Members of the Judicial Proceedings Panel appointed by the Secretary of Defense, who are not full-time or permanent part-time Federal employees, shall be appointed as experts or consultants pursuant to 5 U.S.C § 3109 to serve as special government employee (SGE) members.

**20c. How frequent and relevant are the Committee Meetings?**

Presently, the Department estimates that this advisory function will meet at least once a year.

**20d. Why can't the advice or information this committee provides be obtained elsewhere?**

The advisory function is required by statute; section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81)

**20e. Why is it necessary to close and/or partially closed committee meetings?**

Meetings are not closed to the public unless the Department of Defense determines that items on the planned agenda meet the closed meeting provisions of 5 U.S.C. § 552b(c). Pursuant to DoD policy closed meetings can only be authorized by the DoD Sponsor (i.e., the Under Secretary of Defense for Personnel and Readiness), and only after consultation with the Office of the Department of Defense General Counsel.

**21. Remarks**

The Judicial Proceedings Panel was terminated pursuant to Section 576 of the NDAA for FY 2013 NDAA effective January 26, 2018.

**Designated Federal Officer**

Maria Fried Ms.

**Narrative Description**

The Judicial Proceedings Panel will conduct an independent review and assessment of judicial proceedings conducted under the Uniform Code of Military Justice (UCMJ) involving adult sexual assault and related offenses since the amendments made to the UCMJ by section 541 of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81) for the purpose of developing recommendations for improvements to such proceedings.

**What are the most significant program outcomes associated with this committee?**

Checked if Applies

- |                                  |                                     |
|----------------------------------|-------------------------------------|
| Improvements to health or safety | <input checked="" type="checkbox"/> |
| Trust in government              | <input checked="" type="checkbox"/> |
| Major policy changes             | <input checked="" type="checkbox"/> |
| Advance in scientific research   | <input type="checkbox"/>            |
| Effective grant making           | <input type="checkbox"/>            |

- Improved service delivery
- Increased customer satisfaction
- Implementation of laws or regulatory requirements
- Other

**Outcome Comments**

As required by statute, this advisory function will be analyzing judicial proceedings conducted under the UCMJ for the purpose of developing recommendations for improvements to such proceedings.

**What are the cost savings associated with this committee?**

Checked if Applies

- None
- Unable to Determine
- Under \$100,000
- \$100,000 - \$500,000
- \$500,001 - \$1,000,000
- \$1,000,001 - \$5,000,000
- \$5,000,001 - \$10,000,000
- Over \$10,000,000
- Cost Savings Other

**Cost Savings Comments**

Unable to determine at this time.

**What is the approximate Number of recommendations produced by this committee for the life of the committee?**

63

**Number of Recommendations Comments**

Recommendations were part of Initial report and ten subsequent reports. The specific are: Initial Report: Special Victims Counsel Programs; Rights & Needs of Sexual Assault Victims throughout the Judicial Process; and, Victim Privacy Issues in Military Sexual Assault Cases. Restitution and Compensation Article 120, UCMJ Retaliation Statistical Data Regarding Military Adjudication of Sexual Assault Offenses Military Defense Counsel Resources and Experience in Sexual Assault Cases Victims' Appellate Rights Sexual Assault Investigations in the Military Statistical Data Regarding Military Adjudication of Sexual Assault Offenses for Fiscal Year 2015 Panel Concerns Regarding the Fair Administration of Military Justice in Sexual Assault Cases Final Report

**What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?**

10%

**% of Recommendations Fully Implemented Comments**

Recommendations sent to SecDef as part of all reports. Notification of approval of recommendations in whole or in part has not been received as of 30 September 2017. The Judicial Proceedings Panel was terminated pursuant to Section 576 of the NDAA for FY 2013 NDAA effective January 26, 2018.

**What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?**

14%

**% of Recommendations Partially Implemented Comments**

Recommendations sent to SecDef as part of all reports. Notification of approval of recommendations in whole or in part has not been received as of 30 September 2017. The Judicial Proceedings Panel was terminated pursuant to Section 576 of the NDAA for FY 2013 NDAA effective January 26, 2018.

**Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?**

Yes  No  Not Applicable

**Agency Feedback Comments**

Unable to determine at this time.

**What other actions has the agency taken as a result of the committee's advice or recommendation?**

Checked if Applies

- Reorganized Priorities
- Reallocated resources
- Issued new regulation
- Proposed legislation
- Approved grants or other payments
- Other

**Action Comments**

Unable to determine at this time.

**Is the Committee engaged in the review of applications for grants?**

No

**Grant Review Comments**

Not Applicable

**How is access provided to the information for the Committee's documentation?**

Checked if Applies

Contact DFO

Online Agency Web Site

Online Committee Web Site

Online GSA FACA Web Site

Publications

Other

**Access Comments**

Unable to determine at this time.